

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MUSTAPHA DARBOE, Individually and on  
Behalf of all other persons similarly situated,

MEMORANDUM AND ORDER

Plaintiff,

CV 05-4732

-against-

(Wexler, J.)

GOODWILL INDUSTRIES OF GREATER  
NY & NORTHERN NJ, INC., and REX L.  
DAVIDSON, individually,

Defendants.

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APPEARANCES:

LOCKS LAW FIRM, PLLC  
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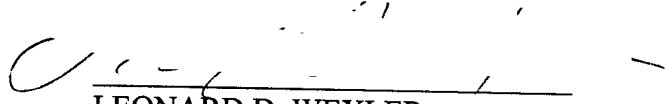
KELLEY DRYE & WARREN LLP  
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WEXLER, District Judge

Presently before the court is the objection of Plaintiff to a discovery ruling of Magistrate Judge Arlene Rosario Lindsay, dated March 8, 2006 regarding Plaintiff's request to conduct expert discovery. The Magistrate Judge ruled, essentially, that expert discovery shall not take place until the completion of discovery aimed at the issue of whether or not Plaintiff was an employee who is exempt from the requirements of the Fair Labor Standards Act.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure this court shall modify or set aside any part of the order appealed from that is "clearly erroneous or contrary to law." FRCP 72(a). This court has reviewed Plaintiff's objections and the order of Magistrate Judge Lindsay and concludes that the order appealed from should be affirmed. Accordingly, Plaintiff's objections are hereby overruled and the Order of Magistrate Judge Lindsay is affirmed.

SO ORDERED.

  
LEONARD D. WEXLER  
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York  
April 17, 2006